

FILED

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE RICHARD M. OSBORNE, SR.  
*Debtor*

CASE No. 17-17361  
JUDGE ARTHUR I. HARRIS  
CHAPTER 11

MOTION OF RICHARD M. OSBORNE, SR., DEBTOR IN POSSESSION TO EMPLOY WILLIAM T. WULIGER, ESQ. AS SPECIAL COUNSEL

Richard M. Osborne, Sr., debtor in possession, ("Debtor"), moves this Court for an order authorizing him to employ special counsel.

**Necessity for Employment.** The Debtor has determined that the administration of assets of the estate and the resolution of claims of creditors require the Debtor to perform or obtain specialized legal services. The Debtor needs to retain special counsel in order to advise him with regard to a certain litigation matters. Such matters require the expertise of legal counsel with particular expertise in business litigation, law and trial experience. These matters are described below.

THE COURT WILL HOLD IN ABEYANCE THE APPLICATION TO EMPLOY ATTORNEY WULIGER AS SPECIAL COUNSEL (DOCKET NO. 266) UNTIL THE DEBTOR OR ATTORNEY WULIGER FILES A SUPPLEMENTAL DISCLOSURE STATEMENT AS DEBTOR'S ATTORNEY INDICATED IN THE COURTROOM ON JAN. 8, 2019. IN ADDITION, THE COURT REQUESTS THAT THE DEBTOR AND ATTORNEY WULIGER EXPLAIN IN MORE DETAIL THE CONTINGENT FEE AGREEMENT AND THE STATUS OF ATTORNEY WULIGER'S SEPARATE CLAIMS IN THE GAS NATURAL LITIGATION PENDING IN THE CUYAHOGA COMMON PLEAS COURT. THE COURT TAKES JUDICIAL NOTICE OF THE DOCKET AND CASE INFORMATION AVAILABLE ONLINE FOR THE GAS NATURAL LITIGATION, CASE NO. 877354. IT IS UNCLEAR WHETHER ATTORNEY WULIGER INTENDS: (1) TO WAIVE ANY ASSIGNMENT, WITHDRAW THE MOTION TO INTERVENE, AND REPRESENT ONLY THE DEBTOR; (2) REPRESENT ALL PLAINTIFFS JOINTLY INCLUDING HIMSELF AS A POTENTIAL INTERVENOR AND TAKE ONLY A 1/3 FEE OF ALL FUNDS RECOVERED, BUT TAKE NO PERSONAL RECOVERY; OR (3) SOMETHING ELSE. THE COURT WILL GIVE PARTIES IN INTEREST TEN DAYS FROM ANY SUPPLEMENTAL FILING TO FILE THEIR OWN SUPPLEMENTAL BRIEFS ON THE APPLICATION TO EMPLOY.

